

The following sections of Chapter 57 (Landscaping) of the Code of the Village of Williamsville are amended as indicated below. Words stricken out are to be deleted and double underscored words are to be added.

§ 57-1 Purpose.

The purpose and intent of this chapter is to promote the public health, safety and general welfare through the establishment of a comprehensive and uniform plan that establishes minimum standards for landscaping in districts zoned MU_C, R-3M and M-1.

§ 57-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DECIDUOUS TREE

A tree or shrub that sheds its leaves annually.

EVERGREEN

A plant or tree that retains its verdure, leaves or needles through all seasons.

GREENSWARD

Turf that is green with growing grass.

GROUND COVER

A planting of low plants that covers the ground, in lieu of turf or greensward.

LANDSCAPED AREA

That part of any development which is to be devoted to greensward, shrubs, trees, ground cover, berm, lighting fixtures and other ornamental features designed to produce an integrated and harmonious environment.

PARKING AREA

The open area on any premises regulated herein, designed for the short-term storage of motor vehicles.

PLANTING UNIT

The unit of measure, based upon gross building square footage and the lot line distance along public streets, utilized to determine the amount of plant material required for development applications in the Mixed Use Zoning District.

SHRUB

A woody plant, smaller than a tree, consisting of several stems from the ground or small branches near the ground, may be deciduous or evergreen.

TREE, ORNAMENTAL

A small deciduous tree (rarely, evergreen), typically less than 35 feet in height when mature, that is utilized and valued for the aesthetic appearance, color and/or texture of its flowers, fruits, foliage, bark, form or habit.

TREE, SHADE

A large deciduous tree (rarely, evergreen), typically greater than 35 feet in height when mature, that is utilized for its broad leaf canopy and ability to cast a shadow upon a large area.

TREE LAWN

The area between the edge of a sidewalk and the curb line of a street, typically within the public right of way.

§ 57-3 General provisions.

A.

Except in the case of a one- or two-family dwelling, a building permit issued for any new construction or any addition, alteration or conversion of an existing building, structure or part thereof, issued in districts zoned MU, C, R-3M or M-1 Districts, shall require compliance with this chapter in the following instances:

(1)

Where the estimated value of the proposed improvement, as stated in the building permit application, is \$35,000 or more.

(2)

Where the combined total value of proposed improvements for any one premises, as stated in any series of building permit applications in any twelve-month period, is \$35,000 or more.

B.

Any application for a building permit subject to review under this chapter shall be accompanied by three copies of a proposed landscape plan, drawn to scale. The plan shall be reviewed by the Environmental Advisory Committee, and its recommendations shall be forwarded to the Planning/Architectural Review Board for final approval before the issuance of a building permit.

C.

The drawings of any proposed landscape plan shall include the following:

(1)

Name and address of the applicant and of the project and of the individual who prepared the plan.

(2)

Estimated cost of proposed completed landscaping.

(3)

North direction point, scale of drawing and date.

(4)

Existing and proposed streets, public or private sidewalks and curb cuts immediately adjoining and within the proposed site, including the names of all streets.

(5)

Current survey or plot plan.

(6)

Locations, dimensions and proposed use of any new or existing building or structure, parking areas, loading and stacking areas and driveways.

(7)

Required greenspace and parking calculations.

(8)

Location, species and caliper of existing deciduous or evergreen trees and any other vegetation to be preserved or eliminated; and location, species and caliper of any new landscaping or other amenities to be provided.

(9)

Location and design of lighting, fencing, screen walls, drainage, signs and refuse container area.

(10)

A grading plan, where applicable, showing existing and finished grade levels.

(11)

Location and dimensions of all permanent signs.

§ 57-4 Standards and criteria.

All properties regulated by this chapter shall conform to the following:

A.

The landscaped area shall be not less than 15% of the total lot area of the development.

B.

Landscaping shall be designed as an integral part of the entire development, with the arrangement and spatial location of the landscaped areas dispersed throughout the site.

C.

Existing natural features and vegetation shall be preserved and incorporated into the landscape plan, wherever possible.

D.

A landscape plan shall include, wherever possible, trees as the dominant feature. Shrubs, ornamental trees, greensward and other vegetation shall be used as a complement to the trees, but should not form the exclusive landscape treatment.

E.

Any parking area providing for 11 to 20 vehicles shall devote not less than 5% of the interior of the parking area to landscaping. Any parking area providing for 20 or more vehicles shall devote not less than 10% of the interior of the parking area to landscaping. Landscaping shall be

designed in a manner so as to minimize the unsightly and monotonous aspect of a parking area and so as to minimize stormwater runoff rates and volumes, soil erosion, and nonpoint source pollution.

F.

All planted areas located within a parking area shall be contained by a poured-in-place concrete curb to protect plant material and ensure proper growth.

G.

Where any areas regulated by this chapter abut a Residential R District, the abutting lot line shall be screened in accordance with Chapter [112](#), Zoning, § 112-22B(14)(c). The character of screening shall harmonize with the existing character of the plantings in the abutting R District.

H.

Any landscape plan proposed for premises adjacent to an historical landmark shall be submitted to the Historical Preservation Commission for review and recommendations before final approval by the Planning Architectural Review Board.

I.

Schedule of planting.

(1)

C-1, C-2, C-3, M-1 Districts. One tree shall be planted for each 30 feet of street frontage, plus one tree for every 10 parking spaces provided.

(2)

R-3M District One tree shall be planted for each dwelling unit, plus one tree for every five parking spaces provided.

(3)

MU District. As provided in Section 112-16(E).

J.

The Planning/Architectural Review Board may grant a waiver of compliance from any one or more of the above standards and criteria upon a showing of impossibility of strict compliance with this chapter.

K.

Trees.

(1)

All deciduous trees shall have a minimum caliper of 2.5 inches measured at a point six inches above finished grade level.

(2)

All evergreen trees shall be a minimum of five feet in height measured from finished grade level to the highest point of the tree.

(3)

Any other variety or variation of tree shall be a minimum of eight feet in height measured from finished grade level and a minimum caliper of 1 3/4 inches measured at a point six inches above finished grade level.

L.

Plastic or any other types of artificial planting or vegetation are prohibited.

M.

Replacement plantings shall be of the same species and size as original plantings.

N.

Upon completion of the project and prior to the issuing of a certificate of occupancy, the Code Enforcement Official-Officer shall inspect and approve all landscaping.

O.

Upon completion of landscaping in conformance with this chapter, the required greenspace shall not be reduced without prior approval of a revised landscape plan by the Planning/Architectural Review Board.

P.

A landscape plan shall comply with any stormwater pollution prevention plan submitted pursuant to any provision of the Village Code.

Q.

[With respect to any property zoned MU, any such landscaping plan shall also conform to Section 112-16\(E\) of the Code. In the event of any conflict between the requirements of this chapter and Section 112-16\(E\), the requirements of Section 112-16\(E\) shall prevail.](#)

§ 57-5 Maintenance and performance bonds.

A.

The amount of any maintenance or performance bond or other acceptable security shall be determined by the Code Enforcement Official-Officer and shall be based upon the estimated cost of the landscaping.

B.

A maintenance bond or other acceptable security, to ensure that all plantings shall be maintained in a healthy and growing condition and that all replacement plantings shall be made within one year of the original date of planting, shall be issued to the Village for any landscaping estimated at \$10,000 or more. The bond shall be dated on the date that all plantings are completed and shall be for a period of one year. The Code Enforcement Official-Officer shall inspect the landscaping, including replacements, before the bond is canceled or security returned.

C.

After November 1 in any year, a performance bond or other acceptable security shall be required to ensure that all plantings and particulars of an approved landscape plan are completed. The Code Enforcement Official-Officer shall inspect the completed landscaping before the bond is canceled or security returned.